MAR 7 2017
United States Court of Appeals
District of Columbia Circuit

United States Court of Appeals
For the District of Columbia

Mikeal Stine, et al.,
Petitioners

Appeal under 28 USC 1291 or For writ of Mandamus
to the United States District Court

Mikeal Stine 55436-098
U.S. Penitentiary ADX
P.O. Box 8500
Florence CO 81226

4-W

Leroy Buhl 40114-066
U.S. Penitentiary ADX
PO Box 8500
Florence CO 81226

Jeremy Pinson # 16267-064
Medical Center For Federal Prisoners
Po Box 4000
Springfield MO 65801

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Factual Background

Appellants submitted and FOIA / Privacy Act Suit on Dec. 23, 2016. The District Court received it Jan. 11, 2017 and Denied Leave to Proceed In Forma Pauperis status Feb. 9, 2017 without apportioning Fees or allowing time to submit the filing fee due post-apportionment.

Argument

1- The District Court Failed To Apportion The Filing Fee

This Court has previously ruled following amicus briefing that filing fees are to be split among the parties. See: Prison v. Samuels, No.-10-5059 (Oct. 2014 ORDER); In re Prison Litigation Reform Act, 105 F.3d 1131, 1138 (6th Cir. 1997) The district court below assessed the entire fee to each litigant which makes little sense. If a lawyer sues on behalf of 20 plaintiffs he pays 20 filing fees? No. He pays one. But with prisoners the courts have interpreted 28 USC 1914 in a way it doesnt read.

2. The District Court Failed To give Time To Pay The Apportioned Fee

The District Court gave no time to pay the properly apportioned fee before rejecting the case, this was improper. See: Redmond v. Gill, 352 F.3d 801, 804 (3d Cir. 2003); Wilson v. Sargent, 313 F.3d 1315, 1321 (11th Cir. 2002); Hatchet v. Nettles 201 F.3d 651, 652 (5th Cir. 2000) McGore v. Wrigglesworth 114 F.3d 601, 607-08 (6th Cir. 1997) Beyer v. Cormier 235 F.3d 1039, 1041 (7th Cir. 2000).

Conclusion

The Court should Reverse and Remand with instructions to proceed anew.

Appendix A

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

District of Columbia

Leave to file without prepayment of costs DENIED 28 USC § 1915(g)
2/9/17
United States District Judge
No imminent danger shown.

Mikeal Stine et al.)
Plaintiff/Petitioner)
v.) Civil Action No.
U.S. Dept. of Justice)
Defendant/Respondent)

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: ADX USP.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: $ 0, and my take-home pay or wages are: $ 0 per *(specify pay period)* ________.

3. *Other Income.* In the past 12 months, I have received income from the following sources *(check all that apply)*:

(a) Business, profession, or other self-employment	☐ Yes	☒ No
(b) Rent payments, interest, or dividends	☐ Yes	☒ No
(c) Pension, annuity, or life insurance payments	☐ Yes	☒ No
(d) Disability, or worker's compensation payments	☐ Yes	☒ No
(e) Gifts, or inheritances	☐ Yes	☒ No
(f) Any other sources	☐ Yes	☒ No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

RECEIVED
Mail Room
JAN 1 2017
Angela D. Caesar, Clerk of Court
U.S. District Court, District of Columbia

4. Amount of money that I have in cash or in a checking or savings account: $ 0 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

0

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

0

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

0

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

0

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 12-23-16

Leroy Bohl
Applicant's signature

Leroy Bohl
Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: Mikeal Stine et al v. U.S. Dept. of Justice

Civil Action No. ____________________

I, Leroy Buhl, Reg. No. 40114-066, hereby consent for the appropriate prison official to withhold from my prison account and to pay the U.S. District Court an initial fee of 20 percent of the greater of:

(a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or

(b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches $10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the $400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the $400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

Leroy Buhl
Signature of Plaintiff

12-23-16
Date

Appendix B

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

District of Columbia

Leave to file without prepayment of costs DENIED 28 USC § 1915(g)
2/7/17
United States District Judge
No imminent danger shown.

Mikeal Stine et al *Plaintiff/Petitioner*	)	
v.	)	Civil Action No.
U.S. Dept. of Justice *Defendant/Respondent*	)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: MCFP Springfield. If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: $ 0, and my take-home pay or wages are: $ 0 per *(specify pay period)* ________.

3. *Other Income.* In the past 12 months, I have received income from the following sources *(check all that apply)*:

(a) Business, profession, or other self-employment	☐ Yes	☐ No
(b) Rent payments, interest, or dividends	☐ Yes	☐ No
(c) Pension, annuity, or life insurance payments	☐ Yes	☐ No
(d) Disability, or worker's compensation payments	☐ Yes	☐ No
(e) Gifts, or inheritances	☐ Yes	☐ No
(f) Any other sources	☒ Yes	☐ No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

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2017
Angela D. Caesar, Clerk of Court
U.S. District Court, District of Columbia

4. Amount of money that I have in cash or in a checking or savings account: $ 140-00 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

$12,000

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 1-3-17

[signature]
Applicant's signature

Jeremy Pinson
Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: Mikeal Stine et al v. U.S. Dept. of Justice

Civil Action No. ____________________

I, Jeremy Pinson, Reg. No. ____________________, hereby consent for the appropriate prison official to withhold from my prison account and to pay the U.S. District Court an initial fee of 20 percent of the greater of:

(a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or

(b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches $10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the $400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the $400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

[signature]
Signature of Plaintiff

1-3-17
Date

Appendix C

UNITED STATES DISTRICT COURT

for the
District of Columbia

Mikeal Stine et al
Plaintiff/Petitioner
v.
U.S. Dept. of Justice
Defendant/Respondent

Civil Action No.

Leave to file without prepayment of costs DENIED 28 USC § 1915(g)
2/9/17
United States District Judge
no imminent danger shown

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: ADX Florence. If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: $ 0, and my take-home pay or wages are: $ 0 per *(specify pay period)* ______.

3. *Other Income.* In the past 12 months, I have received income from the following sources *(check all that apply)*:

(a) Business, profession, or other self-employment	☐ Yes	☒ No
(b) Rent payments, interest, or dividends	☐ Yes	☒ No
(c) Pension, annuity, or life insurance payments	☐ Yes	☒ No
(d) Disability, or worker's compensation payments	☐ Yes	☒ No
(e) Gifts, or inheritances	☐ Yes	☒ No
(f) Any other sources	☐ Yes	☒ No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

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JAN 2017
Angela D. Caesar, Clerk of Court
U.S. District Court, District of Columbia

4. Amount of money that I have in cash or in a checking or savings account: $ 0 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

N/A

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 12-23-16

[signature]
Applicant's signature

Mikeal Glenn Stine
Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: Stine et al v. U.S. Dept. of Justice

Civil Action No. ____________

I, Mikeal Stine, Reg. No. 55936-098, hereby consent for the appropriate prison official to withhold from my prison account and to pay the U.S. District Court an initial fee of 20 percent of the greater of:

(a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or

(b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches $10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the $400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the $400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

Mikeal Stine
Signature of Plaintiff

12-23-16
Date

Appendix D

United States District Court
District of Columbia

Mikeal Stine, Jeremy Pinson, Leroy Buhl, Plaintiffs, v. U.S. Dept. of Justice, CIA, Defendant	Case No. ______ Civil Complaint pursuant to the FOIA 5 U.S.C. and Privacy Act, 552, 552a.

I. Jurisdiction and Venue

Jurisdiction is asserted pursuant to 28 USC 1331 and 5 U.S.C. 552, 552a, 702. Venue is proper under 28 USC 1391(e).

II. Parties

A. Plaintiffs are inmates in the Federal Bureau of Prisons.
B. Defendant is an agency in the Executive Branch of the United States.

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III. Claims

A. Defendant violated the Privacy Act, 5 U.S.C. 552a.
B. Defendant violated the FOIA, 5 U.S.C. 552.

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IV. Statement of Facts

1. Plaintiffs submitted FOIA requests to numerous federal agencies and received no response within 20 days.

2. The agencies plaintiff submitted FOIA request to were:
   A. Executive Office For U.S. Attorneys
   B. Office of Information Policy
   C. Federal Bureau of Investigation
   D. Federal Bureau of Prisons
   E. United States Marshals Service
   F. Office of Inspector General
   G. Central Intelligence Agency
3. Agencies A-F above are sub-agencies of defendant DOJ.
4. Upon receipt of more than a dozen joint requests by plaintiffs the agencies A-G didn't produce any records within 20 days or notify plaintiffs as required by law of updates.
5. The BOP's Office of Internal Affairs maintains thousands of pages of records on plaintiffs which emails demonstrate contain dozens of false conclusions and information. OIA refused a request to contest the false information as required by 5 U.S.C. 552a.
6. Plaintiffs lack file numbers due to property siezures by the BOP.

V- Requested Relief

1. Plaintiffs seek release of requested records via injunction.
2. Plaintiffs seek correction of all false information maintained by BOP-OIA.

Executed under penalty of perjury pursuant to 28 USC 1746.

Leroy Buhl (signature)

Leroy Buhl # 40114-066
PO Box 7000
Florence CO 81226

Mikeal Glenn Stine (signature)

Mikeal Stine # 55436-098
PO Box 7000
Florence CO 81226

J P (signature)

Jeremy Pinson # 16267-064
PO Box 4000
Springfield, MO, 65801

United States District Court
District of Columbia

Mikeal Stine, et al.
Plaintiffs
v.
U.S. Dept. of Justice,
Defendant

Case No.

Motion to Apportion Filing Fee

Comes now the plaintiffs and seek to apportion the filing fee as the D.C. Circuit ruled in Pinson v. Samuels No. 10-5059 (D.C.Cir.) and In re PLRA, 105 F.3d 1131, 1138 (6th Cir. 1997).

Wherefore this motion should be granted with 45 days to pay the apportioned fee. 28 U.S.C. 1914.

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U.S. District Court
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Washington DC 20001

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Appendix E